

NOTICES OF SUPPLEMENTAL PROPOSED RULEMAKING

After an agency has filed a Notice of Proposed Rulemaking with the Secretary of State's Office for *Register* publication and filing and the agency decides to prepare a Notice of Supplemental Proposed Rulemaking for submission to the Office, the Secretary of State shall publish the Notice under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.). Publication of the Notice of Supplemental Proposed Rulemaking shall appear in the *Register* before holding any oral proceedings (A.R.S. § 41-1022).

NOTICE OF SUPPLEMENTAL PROPOSED RULEMAKING

TITLE 17. TRANSPORTATION

CHAPTER 4. DEPARTMENT OF TRANSPORTATION

MOTOR VEHICLE DIVISION

PREAMBLE

1. Register citation and date for the original Notice of Proposed Rulemaking:

Notice of Proposed Rulemaking: 6 A.A.R. 3747, September 29, 2000

2. Sections Affected:

R17-4-307

Rulemaking Action:

Amend

3. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing statute: A.R.S. § 28-366

Implementing statute: A.R.S. § 28-4151

4. The name and address of agency personnel with whom persons may communicate regarding the rule:

Name: Ellen Damron, Rules Analyst

Address: Arizona Department of Transportation
Motor Vehicle Division, Mail Drop 507M
3737 N. 7th Street, Suite 160
Phoenix, AZ 85014-5017

Telephone: (602) 712-6722

Fax: (602) 241-1624

E-mail: edamron@dot.state.az.us

Please visit the ADOT web site to track progress of this rule and any other agency rulemaking matters:
www.dot.state.az.us/about/rules.

5. An explanation of the rule, including the agency's reasons for initiating the rule:

A.R.S. § 28-4151 establishes a \$50 reinstatement fee for a motor vehicle registration and license plate that were suspended due to a cancellation or nonrenewal of a motor vehicle liability insurance policy. The rule's revision arises from proposed agency action in the five-year review report (F-98-0401) approved by the Governor's Regulatory Review Council on May 5, 1998. The agency agrees that an amendment to A.R.S. § 28-4151 requires an explanation of an exception to the \$50 fee. Motor carriers subject to the financial responsibility requirements of Arizona Revised Statutes, Title 28, Chapter 9, Article 2, are exempt from this fee. The amendment also updates the rule's language to be clear, concise and understandable as required by both the Secretary of State and the Governor's Regulatory Review Council.

NOTE: This notice reflects a change in numbering of rule R17-4-224, as part of the recodification of 17 A.A.C., and filed with the Secretary of State on July 20, 2001.

6. An explanation of the substantial change which resulted in this supplemental notice:

Non-substantive changes in word selection and sentence structure were made with the recommendation of the Governor's Regulatory Review Council. The Agency failed to file the Notice of Final Rulemaking according to the timeframes prescribed in A.R.S. § 41-1024(B). This filing complies with that requirement.

Arizona Administrative Register
Notices of Supplemental Proposed Rulemaking

7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

8. The preliminary summary of the economic, small business, and consumer impact:

The Motor Vehicle Division and motor vehicle liability insurance companies not exempt under R17-5-502(F) experience substantial costs for electronic data interchange that identifies uninsured motorists. Those vehicle liability insurance companies exempt under R17-5-502(F) experience minimal to moderate cost for cartridge or manual report processes. Vehicle liability insurance companies benefit when uninsured drivers must obtain mandatory liability coverage. Uninsured motorists identified to the system have their vehicle registration and license plate suspended until the motorist acquires and provides proof of mandatory vehicle liability insurance. Before reinstatement can occur, the \$50 fee must be paid. Uninsured drivers may experience costs for alternative transportation and time off to complete the insurance acquisition and reinstatement processes. The general driving public that possesses mandatory liability coverage may benefit since reduction of uninsured motorists may lower coverage costs for uninsured motorist insurance.

9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: Ellen Damron, Rules Analyst
Address: Arizona Department of Transportation
Motor Vehicle Division, Mail Drop 507M
3737 N. 7th Street, Suite 160
Phoenix, AZ 85014
Telephone: (602) 712-6722
Fax: (602) 241-1624
E-mail: edamron@dot.state.az.us

10. The time, place, and nature of the proceedings for the adoption, amendment, or repeal of the rule or, if no proceeding is schedule, where, when, and how persons may request an oral proceeding on the proposed rule:

No oral proceeding is scheduled for this rulemaking. Written, faxed, and e-mail comments or requests for an oral proceeding may be made by contacting the rules analyst listed in item #4, between 8:00 a.m. and 5:00 p.m., Monday through Friday. If no oral proceeding is requested, the public comment period shall continue for 30 days from this Notice's publication date. This rulemaking's public record will close at 4:30 p.m. on September 10, 2001.

Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

Not applicable

Incorporations by reference and their location in the rules:

None

13. The full text of the changes follows:

TITLE 17. TRANSPORTATION

**CHAPTER 4. DEPARTMENT OF TRANSPORTATION
MOTOR VEHICLE DIVISION**

ARTICLE 3. ~~TRANSFERRED~~ TITLES AND REGISTRATION

Section

R17-4-307. ~~Motor vehicle registration and number plate reinstatement fee~~ Motor Vehicle Registration and License Plate Reinstatement Fee

ARTICLE 3. ~~TRANSFERRED~~ TITLES AND REGISTRATION

R17-4-307. ~~Motor vehicle registration and number plate reinstatement fee~~ Motor Vehicle Registration and License Plate Reinstatement Fee

A fee of \$50 shall be assessed for the reinstatement of a motor vehicle registration and number plate pursuant to A.R.S. § 28-1262 due to cancellation or nonrenewal of a motor vehicle liability insurance policy.

A. Under A.R.S. § 28-4151(A), the Division shall assess a \$50 fee for reinstatement of a motor vehicle registration and license plate suspended under A.R.S. §§ 28-4148 and 28-4149.

B. Subsection (A) does not apply to a motor carrier subject to the financial responsibility requirements prescribed under A.R.S. Title 28, Chapter 9, Article 2.